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COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

IN RE DYLAN C.	)	2 CA-JV 2009-0125 DEPARTMENT B MEMORANDUM DECISION Not for Publication Rule 28, Rules of Civil Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. 172870-02

Honorable Leslie B. Miller, Judge

AFFIRMED

Robert J. Hirsh, Pima County Public Defender
By Julie M. Levitt-Guren
Tucson
Attorney for Minor

V Á S Q U E Z, Judge.

¶1 Minor Dylan C. appeals the juvenile court's November 16, 2009 order finding him in violation of his probation and placing him in the Pima County juvenile detention facility for a thirty-day term. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. *See In re Maricopa County Juv. Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989) (juvenile

entitled to *Anders* appeal from delinquency disposition). In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has provided "a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record." She asks this court to search the record for error.

¶2 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel's recitation of the facts. Viewed in the light most favorable to upholding the juvenile court's orders, *see In re John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d 772, 774 (App. 2001), the evidence established the court adjudicated Dylan delinquent after he admitted misdemeanor violations. As disposition for those offenses, the court placed Dylan on six months' probation commencing in April 2009. The court also ordered him to write a letter of apology and make restitution to the victim of his offense[1] and perform thirty-five hours of community service. Less than a week after the disposition hearing, Dylan committed an attempted aggravated assault with a deadly weapon. After he entered a plea agreement on that charge, the court again adjudicated Dylan delinquent and extended the term of his probation to one year. The court further ordered Dylan to serve thirty days in detention, but suspended that order pending his continued compliance with the terms of his probation.

¶3 Among other written terms of probation, Dylan was required to "attend school or [a] General Equivalency Diploma (GED) program, every class, on time, with

[1]Dylan subsequently stipulated to the amount of restitution to be paid to the victim.

good behavior" and to provide his probation officer, by September 11, 2009, with proof that he had completed 35 hours of community restitution. In October 2009, the state filed a petition to revoke Dylan's probation. The petition alleged Dylan had failed to submit verification of the community service required and twice had been suspended from school, in September and October 2009.

¶4 At a contested revocation hearing, Dylan's probation officer testified he had explained to Dylan several times that his community restitution obligation required him to provide verification of work performed for a nonprofit, community organization, but Dylan instead had provided papers signed by family members or friends about hours he had spent performing chores for them. When the juvenile court asked about the basis for the school suspensions, the probation officer said he had been told Dylan was suspended for making "comments against a teacher." The court found Dylan had violated his probation on both grounds alleged by the state. As a consequence for the violations, the court gave effect to its earlier order that Dylan serve thirty days in detention.

¶5 Although counsel has found no issue warranting appellate review, she nonetheless suggests certain issues might appear to be non-frivolous. Counsel thus draws our attention to the following issues: (1) whether the juvenile court's findings of probation violations were erroneous because (a) Dylan's order of probation did not define community restitution or (b) because Dylan's school suspensions resulted from undisclosed statements made to or about a teacher, and (2) whether the court's imposition of thirty days' detention was an abuse of discretion.

¶6 We agree with counsel that there exists no good faith argument for disturbing the juvenile court's findings or vacating the court's disposition. First, we note the court did not revoke Dylan's probation, but modified its terms. *See In re Brittany Y.*, 214 Ariz. 31, ¶ 12, 147 P.3d 1047, 1049 (App. 2006) (after finding probation violation "the juvenile court has broad discretion to 'revoke, modify, or continue probation,'" *quoting* Ariz. R. P. Juv. Ct. 32(E)(5)); *In re J.G.*, 196 Ariz. 91, ¶ 7, 993 P.2d 1055, 1057 (App. 1999) (after notice and hearing, juvenile court may modify probation terms in absence of violation). Moreover, although a juvenile's probation may not be revoked for violation of a term of his probation unless he has been informed of that term in writing, *see In re Maricopa County Juv. Action No. JV-508488*, 185 Ariz. 295, 301, 915 P.2d 1250, 1256 (App. 1996), an order of probation need not expressly define each term imposed. *Cf. In re John C.*, 189 Ariz. 364, 366, 942 P.2d 1196, 1198 (App. 1997) (written probation term requiring juvenile to "live with [the Arizona Department of Economic Security (ADES)]" sufficient to support revocation when juvenile ran away from placement ADES arranged); *State v. Alves*, 174 Ariz. 504, 505-06, 851 P.2d 129, 130-31 (App. 1992) (affirming probation revocation based on probationer's dismissal from mandatory program for violation of program's unwritten rule). And, whatever the basis for Dylan's school suspensions, they constituted substantial evidence that Dylan had failed to attend "every class" of his school schedule "with good behavior," as required. Finally, a court has broad discretion to determine the appropriate disposition of a delinquent juvenile, *In re Themika M.*, 206 Ariz. 553, ¶ 5, 81 P.3d 344, 345 (App.

2003), and we find no arguable basis to challenge the court's imposition of a previously ordered, but suspended, thirty-day term of detention.

¶7 Substantial evidence supported the juvenile court's findings that Dylan had violated the terms of his probation, Dylan was represented by counsel at the probation revocation hearing and on appeal, and the court's disposition was statutorily authorized. *See* A.R.S. § 8-341(A)(1)(a),(b). We have found no reversible error and no arguable issue warranting further appellate review, *see Anders*, 386 U.S. at 744, and we therefore affirm the court's order finding Dylan in violation of his probation and imposing a thirty-day period of detention.

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge